

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
OXLEY OF OHIO, OR HIS  
DESIGNEE, DEBATABLE FOR 10 MINUTES:

**AMENDMENT TO H.R. 4973, AS REPORTED**  
**OFFERED BY MR. OXLEY OF OHIO**

Page 9, strike lines 9 and 10 and insert "the submission to the Congress, by the Director of the Federal Emergency Management Agency, of the report required under".

Page 9, line 17, strike "date of the enactment of this Act" and insert "effective date under paragraph (1) of this subsection".

Page 10, line 10, strike "date of the enactment of this Act" and insert "effective date under paragraph (1) of this subsection".

Page 10, line 18, after "Section 1306(c)(1)" insert "of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(1))".

Page 11, line 2, after "\$1,000,000" (and before the close quotation marks) insert the following: "; except that such limitation shall not apply to a regulated lending institution or enterprise for a calendar year if, in any three (or more) of the five calendar years immediately preceding such calendar year, the total amount of penalties



assessed under this subsection against such lending institution or enterprise was \$1,000,000”.

Strike line 20 on page 15 and all that follows through line 8 on page 16 and insert the following:

1       “(a) REQUIREMENT TO PARTICIPATE.—In the case  
2 of the occurrence of a natural catastrophe that may have  
3 resulted in flood damage covered by insurance made avail-  
4 able under the National Flood Insurance Program and a  
5 loss covered by personal lines residential property insur-  
6 ance policy, upon request made by the insurance commis-  
7 sioner of a State (or such other official responsible for reg-  
8 ulating the business of insurance in the State) for the par-  
9 ticipation of representatives of the Director in a program  
10 sponsored by such State for nonbinding mediation of in-  
11 surance claims resulting from a natural catastrophe, the  
12 Director shall cause such representatives to participate in  
13 such State program, when claims under the national flood  
14 insurance program are involved, to expedite settlement of  
15 flood damage claims resulting from such catastrophe.”.

Page 17 lines 4 through 6, strike “Adjusters representing the national flood insurance program who participate pursuant to subsection (b)(1)” and insert “Representatives of the Director who participate pursuant to this section”.

Page 17, line 12, strike the quotation marks and the last period.

Page 17, after line 12 insert the following:

1       “(d) MEDIATION PROCEEDINGS AND PRIVILEGED  
2 DOCUMENTS.—As a condition of the participation of Rep-  
3 resentatives of the Director pursuant to this section in  
4 State-sponsored mediation, all statements made and docu-  
5 ments produced pursuant to such mediation involving rep-  
6 resentatives of the Director shall be deemed privileged and  
7 confidential settlement negotiations made in anticipation  
8 of litigation.

9       “(e) EFFECT OF PARTICIPATION ON LIABILITY,  
10 RIGHT, AND OBLIGATIONS.—Participation of Representa-  
11 tives of the Director pursuant to this section in State-  
12 sponsored mediation shall not affect or expand the liability  
13 of any party in contract or in tort, nor shall it affect the  
14 rights or obligations of the parties as provided in the  
15 Standard Flood Insurance Policy under the national flood  
16 insurance program, regulations of the Federal Emergency  
17 Management Agency, this Act, or Federal common law.

18       “(f) EXCLUSIVE FEDERAL JURISDICTION.—Partici-  
19 pation of Representatives of the Director pursuant to this  
20 section in State-sponsored mediation shall not alter,  
21 change or modify the original exclusive jurisdiction of  
22 United States courts as provided in this Act.



1       “(g) COST LIMITATION.—Nothing in this section  
2 shall be construed to require the Director or representa-  
3 tives of the Director to pay additional mediation fees relat-  
4 ing to flood claims associated with a State-sponsored me-  
5 diation program in which representatives of the Director  
6 participate.

7       “(h) EXCEPTION.—In the case of the occurrence of  
8 a natural catastrophe that results in flood damage claims  
9 under the national flood insurance program and does not  
10 result in any loss covered by a personal lines residential  
11 property insurance policy—

12           “(1) this section shall not apply; and

13           “(2) the provisions of the Standard Flood In-  
14 surance Policy under the national flood insurance  
15 program and the appeals process established pursu-  
16 ant to section 205 of the Bunning-Bereueter-  
17 Blumenauer Flood Insurance Reform Act of 2004  
18 (Public Law 108–264; 118 Stat. 726) and regula-  
19 tions issued pursuant to such section shall apply ex-  
20 clusively.

21       “(i) REPRESENTATIVES OF DIRECTOR.—For pur-  
22 poses of this section, the term ‘representatives of the Di-  
23 rector’ means representatives of the national flood insur-  
24 ance program who participate in the appeals process es-  
25 tablished pursuant to section 205 of the Bunning-



1 Bereueter-Blumenauer Flood Insurance Reform Act of  
2 2004 (Public Law 108-264; 118 Stat. 726) and regula-  
3 tions issued pursuant to such section.”.

Page 15, line 5, strike “\$18,500,000,000” and in-  
sert “\$20,775,000,000”.

Page 24, line 22, before “REVIEW” insert “ONE-  
TIME”.

Strike line 24 on page 24 and all that follows  
through line 2 on page 25 and insert the following:

4 (2) REQUIRED REVISION.—The Director of the

Page 25, line 8, after the period insert the following:  
“The revisions and updating under this paragraph shall  
not be subject to the requirements of section 1360(k) of  
the National Flood Insurance Act of 1968 (as added by  
subsection (a) of this section).”.

Strike line 8 on page 28 and all that follows through  
line 2 on page 29 and insert the following:

5 (d) POST-DISASTER FLOOD ELEVATION DETER-  
6 MINATIONS.—Section 1361 of the National Flood Insur-  
7 ance Act of 1968 (42 U.S.C. 4101), as amended by the  
8 preceding provisions of this Act, is further amended by  
9 adding at the end the following new subsection:

10 “(1) INTERIM POST-DISASTER FLOOD ELE-  
11 VATIONS.—

1           “(1) AUTHORITY.—Notwithstanding any other  
2           provision of this section or section 1363, the Direc-  
3           tor may, after any flood-related disaster, establish by  
4           order interim flood elevation requirements for pur-  
5           poses of the national flood insurance program for  
6           any areas affected by such flood-related disaster.

7           “(2) EFFECTIVENESS.—Such interim elevation  
8           requirements for such an area shall take effect im-  
9           mediately upon issuance and may remain in effect  
10          until the Director establishes new flood elevations  
11          for such area in accordance with section 1363 or the  
12          Director provides otherwise.”.

